

3006159-LRB/TNP

ARDC: 6206641

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MELISSA MANNING)
)
Plaintiff,)
)
v.) No. 07 CV 6855
)
SMITHWAY MOTOR XPRESS, INC.) Judge Kennelly
and SHAYNE ABRAM MELTON)
)
Defendants.) Magistrate Judge Keys
)

AGREED MOTION FOR ENLARGEMENT OF TIME

NOW COMES the Defendant, SMITHWAY MOTOR XPRESS, INC., by and through its attorneys, Lew R. C. Bricker, Tanya N. Petermann and SMITHAMUNDSEN LLC, and move this Honorable Court for an enlargement of time, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, to file its answer or other responsive pleadings to the plaintiff's Complaint and up to and including January 24, 2008. In support of its Motion, Defendant states as follows:

1. On October 26, 2007, plaintiff filed her Complaint in this matter.
2. Plaintiff served defendant, Smithway Motor Xpress, Inc. through its registered agent on November 6, 2007. (See National Registered Agents, Inc.'s Transmittal Form, attached as Exhibit "A.")
3. Defendant, Smithway Motor Xpress, Inc. filed its Notice of Removal to this court on December 5, 2007.
4. Counsel for defendant requires additional time to answer or otherwise plead to the allegation in plaintiff's complaint.

5. Counsel for defendant spoke to counsel for the plaintiff, and the counsel for the plaintiff has no objection to this Court granting an enlargement of time to the defendant to answer. (See Correspondence to plaintiff's counsel, John Cichon, attached as Exhibit "B.")

6. No other party will be prejudiced by the extension.

7. In light of the foregoing, Defendant, SMITHWAY MOTOR XPRESS, INC., requests up to and including January 24, 2008, to answer or otherwise file responsive pleadings in this matter.

WHEREFORE, Defendant, SMITHWAY MOTOR XPRESS, INC., prays that this Honorable Court enter an Order extending the time in which to file its responsive pleadings up to and including January 24, 2008 and any such other relieve that this Court deems just.

Respectfully Submitted,

SMITHAMUNDSEN LLC

S/ Lew R.C. Bricker
Lew R. C. Bricker - 6206641
Attorney for Defendant, Smithway Motor Xpress,
Inc.
SmithAmundsen LLC
150 N. Michigan Avenue, Suite 3300
Chicago, IL 60601
(312) 894-3200
(312) 894-3210
lbricker@salawus.com

Lew R. C. Bricker
Tanya N. Petermann
Attorneys for Defendant, Smithway Motor Xpress, Inc.
SmithAmundsen LLC
150 North Michigan Avenue, Suite 3300
Chicago, IL 60601
(312) 894-3200

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NATIONAL REGISTERED AGENTS, INC.**SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM**

To: DOUGLAS C. SANDVIG
 SMITHWAY MOTOR XPRESS, INC.
 2031 QUAIL AVENUE
 FORT DODGE, IA 50501

SOP Transmittal # IL49907

(800) 767-1553 - Telephone
 (609) 716-0820 - Fax

Defendant: SMITHWAY MOTOR XPRESS, INC.
 (Entity Served)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of ILLINOIS on this 6 day of November, 2007. The following is a summary of the document(s) received:

1. Title of Action: MELISSA MANNING-VS- SMITHWAY MOTOR XPRESS, INC. et al

2. Document(s) served:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Summons | <input type="checkbox"/> Subpoena | <input type="checkbox"/> Injunction |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Third Party Complaint | <input type="checkbox"/> Notice of |
| <input type="checkbox"/> Petition | <input type="checkbox"/> Demand for Jury Trial | <input type="checkbox"/> Mechanics Lien |
| <input type="checkbox"/> Garnishment | <input type="checkbox"/> Default Judgement | <input type="checkbox"/> Other: |

3. Court of Jurisdiction/ IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION
 Case & Docket Number: 2007L012144

4. Amount Claimed, if any:

5. Method of Service (select one):

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Personally served by: | <input checked="" type="checkbox"/> Process Server | <input type="checkbox"/> Deputy Sheriff | <input type="checkbox"/> U. S Marshall |
| <input type="checkbox"/> Delivered Via: | <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Regular Mail | <input type="checkbox"/> Facsimile |
| (Envelope enclosed) | | | |

 Other (Explain):

6. Date and Time of Service: 11/6/2007 2:38:52 PM CST (GMT -6)

7. Appearance/Answer Date: 30 Days

8. Plaintiff's Attorney:
 (Name, Address & Telephone Number)
 JOHN T. CICHON
 77 W. WACKER DRIVE
 SUITE 4025
 CHICAGO, IL 60601
 312-346-9241

9. Federal Express Airbill # 798303319686

10. Call Made to: VM - DOUGLAS C. SANDVIG

11. Special Comments:

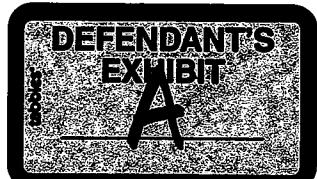
NATIONAL REGISTERED AGENTS, INC.

Copies To:

Transmitted by: Cecilia Villalpando

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

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To: DOUGLAS C. SANDVIG
 SMITHWAY MOTOR XPRESS, INC.
 2031 QUAIL AVENUE
 FORT DODGE, IA 50501-

SOP Transmittal # IL49907

(800) 767-1553 - Telephone
 (609) 716-0820 - Fax

Defendant: SMITHWAY MOTOR XPRESS, INC.
 (Bonds Served)

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|---|--|---|--|
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| <input type="checkbox"/> Delivered Via: | <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Regular Mail | <input type="checkbox"/> Facsimile |
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 Other (Explain):

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 (Name, Address & Telephone Number) JOHN T. CICHON
 77 W. WACKER DRIVE
 SUITE 4025
 CHICAGO, IL 60601
 312-346-9241

9. Federal Express Airbill #798303319686

10. Call Made to: VM - DOUGLAS C. SANDVIG

11. Special Comments:

NATIONAL REGISTERED AGENTS, INC.

Copies To:

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ACKNOWLEDGEMENT COPY



Tanya N. Petermann
Direct Dial: (312) 894-3328

January 16, 2008

VIA FACSIMILE (312) 704-4431

Mr. John T. Cichon
Polansky, Cichon & Batey, Chtd.
77 W. Wacker Drive
Suite 4025
Chicago, IL 60601

Re: Melissa Manning v. Smithway Motor Xpress, Inc. and Shayne Abram Melton
Court No.: 04 L 12144
DOL: 11/4/05
Our File: 3006159-LRB/TNP

Dear Mr. Cichon:

Please permit this letter to confirm our discussion of today. You indicated during our conversation that you do not object to us filing Smithway's Answer and other Responsive Pleadings late. As indicated to you, we will file an Agreed Motion for Enlargement of Time.

We also set a conference call for January 24, 2008 at 11:00 a.m. to comply with Judge Kennelly's court order to discuss the nature of this case, discovery schedule, possibility of settlement and magistrate jurisdiction.

If my understanding of this information is incorrect in any manner, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tanya Petermann".

Tanya N. Petermann

TNP

